

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:04-cr-00040-MR-WCM**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STEPHEN ARTHUR LACY,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's Third Motion for Compassionate Release. [Doc. 69].

The Defendant filed his first motion for compassionate release based upon COVID-19 in August 2020. [Doc. 62]. The Court denied that motion, finding that the grounds asserted did not constitute "extraordinary and compelling" reasons to reduce his sentence. [Doc. 63]. The Defendant filed a motion to reconsider that denial in October 2020. [Doc. 65]. The Court denied that motion. [Doc. 66]. In response, the Defendant filed a motion to reconsider the denial of the first motion to reconsider, which the Court denied on June 1, 2021. [Docs. 67, 68].

The Defendant immediately filed a second motion for compassionate release, again asserting that he has various health concerns that enhance

his risks associated with COVID-19. [Doc. 69]. He also claimed that changes to the law concerning his § 924(c) conviction and career offender status constitute an extraordinary and compelling reason for release. [Id.].

The Court denied the Defendant's second motion for compassionate release in October 2021. [Doc. 76]. The Defendant moved for reconsideration of that Order, which the Court denied on November 22, 2021. [Docs. 77, 78].


The Defendant now returns with a third motion for compassionate release, citing his serious health conditions and his enhanced risk of serious illness from COVID-19 as extraordinary and compelling reasons for his release. [Doc. 82]. The Defendant also renews his arguments regarding his § 924(c) conviction and career offender status. [Id.].

The Defendant raises substantially the same grounds for compassionate release as he did in his prior motions. For the reasons previously stated, the Court finds that there are no "extraordinary and compelling reasons" for the Defendant's release and that analysis of the relevant § 3553(a) factors continue to weigh in favor of his continued incarceration. Accordingly, the Defendant's Third Motion for Compassionate Release is denied.

IT IS, THEREFORE, ORDERED that the Defendant's Third Motion for Compassionate Release [Doc. 82] is **DENIED**.

IT IS SO ORDERED.

Signed: January 19, 2022



Martin Reidinger
Chief United States District Judge

